

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Case No. C 08-05126 MHP

**Defendant Gregory response to the USCF 5 day notice of intent to
take default.**

Dear Judge Patel,

I am writing to respond to the notice of default that was filed by the
plaintiffs' counsel yesterday.

Plaintiffs' claims in their notice of default are entirely false. I have never
refused to respond to the first amended complaint. Instead, I understood that the
court intended to issue an order on my motion to dismiss and that written order
would create the deadline for me to respond. Mr. Kronenberger's concealment of
these facts continues his pattern of making false and misleading statements to
the court.

I was unable to attend the hearing on that occurred on April 13. However, I
was later able to read the transcript of the hearing via pacer. I read the transcript
and understood that the court intended to issue an order. I understood that my
obligation to respond would be created once the order was issued. As of today, I
understand that the official court order on my motion to dismiss has been filed.

I participated in a telephone conference with Kronenberger on April 21
2009. Although I understood that the purpose of the call was to discuss a DVD,
that Mr. Kronenberger had obtained containing the private communications of
thousands of chessdiscussion.com users, Mr. Kronenberger began asking me
questions about when I was going to answer the FAC. I informed Kronenberger
that I expected that the court would issue a written order, and Mr. Leigh indicated
that he expected a written order as well.

I never stated that I would refuse to respond to the FAC to Mr. Kronenberger. He knows this full well. His allegation that I refused to answer the FAC is blatantly false, and appears to be designed to place me in a bad light before the court. Mr. Leigh recorded the conversation and has agreed to provide me with a copy. If the court has any doubt as to the falsity of Mr. Kronenberger's allegations, I will provide that copy to the court. This is not the first time that Mr. Kronenberger has made false statements to the court.

Second, Kronenberger's statement that I would not respond to discovery is simply not true. What I stated during the meet-and-confer was that Kronenberger had already served at least 40 subpoenas, and received responsive documents from most of them; whereas the defendants' have obtained none. I also informed him that he clearly broke the Stored Communications Act when he issued patently unlawful third party subpoenas to gain unauthorized access to thousands of user's private communications. If the case continues, I need to obtain discovery in my defense, but- I need time. I am not knowledgeable in law, and have to spend a great deal of time for legal research. Currently, I am forced to continue to respond to the avalanche of discovery that Kronenberger has issued- and issues still.

Third, it is only fair that I am given time to respond to the FAC, as well as given time to contest some of Mr. Kronenberger's patently illegal subpoenas. Kronenberger is clearly in violation of the Stored Communications Act, among other federal statutes, when he sought and **obtained all of the private communications of some 1,400 users**. My highest priority is to prepare and then request permission to file the writ to quash the third party chessdiscussion.com subpoena. During the meet-and-confer meeting, Mr. Kronenberger stated that he will retain and share these private discussions with his clients- and it is urgent that I am given opportunity to respond.

Finally, I consider Kronenberger's 5 day notice to be harassment. It is my understanding that I will be given opportunity to actually read an official court order before being pressed to respond. I have complied with the orders of this

court to the best of my ability and understanding. Mr. Kronenberger's distortion of what I said to him is both improper and unfair.

Sincerely yours,

/s/ Gregory Alexander

DEFENDANT Gregory Alexander, in pro per